

MINUTE ENTRY

8:30 a.m.

UNITED STATES OF AMERICA -v- DANIEL M. QUITUGUA

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
PATRICK SMITH, Assistant U. S. Attorney
LOREN SUTTON, Counsel for Defendant
DANIEL M. QUITUGUA, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Loren Sutton. Government by Patrick Smith, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

Court adopted the presentence investigation report and instructed the Clerk to file the amended report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government moved for a 3553E on Count III relative to the gun charge and a 5K1.1. for substantial assistance to the Government .

Government recommended that the sentencing should be in the range of 55 months imprisonment. Defense requested leniency for this defendant and that the court grant the downward departure; further that while in prison that he receive treatment while in prison for drug rehabilitation. Defendant made his allocution to the Court.

Court GRANTED the 3553E as to Count III and DENIED the 5K1.1 motion for substantial assistance.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant DANIEL M. QUITUGUA, as to Count I is hereby sentenced to the custody of the Bureau of Prisons to be imprisoned for a period of 120 months, as to Count III, is hereby sentenced to the custody of the Bureau of Prisons to be imprisoned for a period of 120 months. Each of the sentences shall run concurrently. The defendant shall receive credit for time already served.

Upon release from imprisonment, the defendant shall be placed on supervised release for five years with the following conditions:

1. That the defendant shall obey all federal, state, and local laws;
2. That the defendant shall not use or possess illegal controlled substances and shall submit to one (1) urinalysis test within 15 days of release from custody and, to two more urinalysis thereafter;
3. That the defendant shall not possess a firearm or other dangerous weapon or have such items at his residence;
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer;

5. That the defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Probation Office;

6. That the defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. It is further ordered that the defendant shall make a co-payment to the program at a rate to be determined by U.S. Probation Office; and

7. That the defendant shall perform 300 hours of community service.

It is ordered that the defendant shall pay restitution, jointly and severally with his co-defendants in the case and in any related cases, for a total amount of \$18,542.54. Payment is due immediately and shall be remitted to the District Court of the NMI; Attention: Clerk of Court for disbursement to: Ms. Myung Kim, PMB 996, P.O. Box 1001, Saipan, MP 96950.

Pursuant to Â§5E1.2(f) of the guidelines, all fines were waived as it was determined that the defendant does not have the ability to pay.

It was further ordered that the defendant pay to the United States a special assessment fee of \$200.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal.

Government moved to dismiss Count II for this defendant. Court so ordered.

Adj 9:15 a.m.

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Applies to: DFT Quitugua, Daniel Muna [KLL EOD 04/05/2005]